# STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)
TALMITCH JACKSON, Complainant,	) ) )
and	) )Charge No: 1989CF3347 )EEOC No: 21B891925 )ALS No: 10588
CITY OF CHICAGO, DEPARTMENT OF FIRE, Respondent.	)

# RECOMMENDED ORDER AND DECISION

This matter is before me following the issuance of a *Recommended Liability*Determination (RLD) dated December 1, 2003, incorporated by reference herein.

# FINDINGS OF FACT

- The RLD ordered Complainant to file an attorney's fees and costs petition within 21 days of service of the RLD.
- The record indicates a certificate of service of the RLD on all Parties of record was mailed on December 2, 2003.
- 3. Complainant's petition was due December 30, 2003.
- December 30, 2003 has passed and the record indicates no such petition or motion for an extension of time to file such petition has been filed.

#### **CONCLUSION OF LAW**

Complainant has waived the issue of attorney's fees and costs.

#### **DETERMINATION**

Complainant is not entitled to an award of any attorney's fees or costs.

DISCUSSION

The recommendation at #5 of the RLD recommended Respondent pay to

Complainant reasonable attorney's fees and costs to be determined after the filing of a

motion and affidavit within 21 days after service of the RLD.

The Commission Rules at Section 5300.20 provide that receipt by mail is

deemed to have occurred on the fourth day after mailing. If the last day of such period

shall fall on a Saturday, Sunday or legal State holiday, such time period shall continue to

run until the end of the next day which is not a Saturday, Sunday or legal State holiday.

The record indicates a certificate of service of the RLD on the Parties dated

December 2, 2003; therefore, receipt of service is deemed to have occurred December

8, 2003, excluding the intervening Saturday and Sunday. Complainant's attorney's fee

petition was due 21 days later, on December 29, 2003. The record indicates no such

petition nor motion for an extension of time to file such petition has been filed. Thus,

Complainant has waived any request for attorney's fees and costs.

RECOMMENDATION

Based on the foregoing, it is recommended that the Commission order that:

1. All Parties receive all recommendations in #1 through #4 in the RLD.

**HUMAN RIGHTS COMMISSION** 

**SABRINA M. PATCH Administrative Law Judge Administrative Law Section** 

ENTERED: January 22, 2004

2